

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

CROWN PACKAGING, et al.,

Plaintiffs,

vs.

BALL METAL BEVERAGE
CONTAINER CORPORATION,

Defendant.

:

:

Case No. 3:05cv281

:

JUDGE WALTER H. RICE

:

DECISION AND ENTRY SUSTAINING DEFENDANT'S MOTION TO
REVIEW THE CLERK'S MEMORANDUM AS TO BILL OF COSTS
(DOC. #139); ADDITIONAL COSTS ALLOWED; COSTS TAXED IN FAVOR
OF DEFENDANT AND AGAINST PLAINTIFF IN AN AMOUNT CERTAIN;
JUDGMENT TO ENTER ACCORDINGLY; TERMINATION ENTRY

On February 15, 2013, noting that Plaintiff had not filed any memoranda contra the Defendant's Bill of Costs, allowed costs in the amount of \$1,600.08, and disallowed same in the amount of \$15,019.06 (Doc. #137 and #138).

On February 21, 2013, Defendant filed a timely Motion to Review the Clerk's Memorandum as to Bill of Costs, seeking an additional award of costs in the amount of \$9,489.43 (Doc. #139). This Motion is unopposed by the Plaintiff.

Pursuant to the reasoning and citations of authority set forth in the Defendant's Motion to Review the Clerk's Memorandum as to Bill of Costs (Doc. #139), as well as the attachments to said Memorandum, each of which is referred to in the Memorandum itself, the Defendant's

Motion to be awarded additional costs in the amount of \$9,489.43 is deemed to be well taken and same is, therefore, sustained in its entirety.

Accordingly, given that the Plaintiff did not object to the initial Bill of Costs submitted by the Defendant and, further, given that Plaintiff's counsel has advised this Court that no response has been or will be filed to the Motion for an additional award of costs, costs are taxed in favor of the Defendant and against Plaintiff in the total amount of \$11,089.51 (\$1,600.08 originally allowed, plus the additional \$9,489.43 allowed herein).

Judgment is to enter, accordingly, in favor of Defendant and against Plaintiff, taxing costs in the amount of \$11,089.51.

The captioned cause is ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

April 12, 2013



WALTER H. RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record